



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2457 FAX (603) 271-7894



Robert Sullivan  
Phillips Exeter Academy  
20 Main Street  
Exeter, New Hampshire 03833

LETTER OF DEFICIENCY  
WMB PBF 02-17  
May 3, 2002

Dear Mr. Sullivan

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On April 24, 2002, DES inspected the following public bathing facilities at the Phillips Exeter Academy, in Exeter, NH: the new indoor pool ("New Pool") and the older pool ("Old Pool"). During this inspection the following deficiencies were noted:

- Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the New Pool water was 5.0 mg/L on April 24, 2002.
2. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The New Pool water quality is not tested and recorded as required and is not tested on weekends. The Old Pool water quality is not tested and recorded as required and is not tested on weekends.
  3. Env-Ws 1104.04(a) requires the following safety device to be present at all public pools: a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. This safety device was not present at the New Pool at the time of inspection. This safety device was not present at the Old Pool at the time of inspection.
  4. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth was not marked on the vertical pool wall of the New Pool. The depth was not marked on the vertical pool wall of the Old Pool.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- 1 A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A timetable of when:
  - a. the safety items will be in place, and
  - b. the depth will be marked..

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
**COPY**  
Jody Connor  
Limnology Center Director

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Russell A. Nylander, P.E., Chief Engineer, WD/DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Kenneth E. Berkenbush, Health Officer, Town of Exeter